

**RECEIVED
CENTRAL FAX CENTER**

AUG 15 2005

**LAW OFFICES OF
McGINN & GIBB, PLLC**
A PROFESSIONAL LIMITED LIABILITY COMPANY
PATENTS, TRADEMARKS, COPYRIGHTS, AND INTELLECTUAL PROPERTY LAW
8321 OLD COURTHOUSE ROAD, SUITE 200
VIENNA, VIRGINIA 22182-3817
TELEPHONE: (703) 761-4100
FACSIMILE/DATA: (703) 761-2375; 761-2376
E-MAIL: MCGINN&GIBB@AOL.COM

SEAN M. MCGINN
PHILLIP E. MILLER*
FREDERICK E. COOPERRIDER*
JAMES E. HOWARD*
JAMES N. DRESSER
JOHN J. DRESCH
SCOTT M. TULINO
J. BRADLEY WRIGHT*
*MEMBER OF BAR OTHER THAN VA

ANNAPOLIS, MD OFFICE
FREDERICK W. GIBB, III
MOHAMMAD S. RAHMAN*
PAMELE M. RILEY*

August 15, 2005

**VIA FACSIMILE
EXPEDITED PROCEDURE**

To: Examiner Steven Sax
Group Art Unit No. 2174
U. S. P. T. O.

Facsimile No. 703-872-9306

From: Phillip E. Miller

Facsimile No. 703-761-2375

Re: Filing of Second Appeal Brief and Petition Under 37 CFR 1.181 to Withdraw Notice of Non-Compliant Appeal Brief and Force Entry of After-Final Amendment
U. S. Patent Application Serial No. 09/257,208
Our Ref: ALM.008

Dear Examiner:

Enclosed please find a Second Appeal Brief and Petition Under 37 CFR 1.181 to Withdraw Notice of Non-Compliant Appeal Brief and Force Entry of After-Final Amendment.

Thank you in advance for your kind consideration of this case.

Very truly yours,



Phillip E. Miller

PEM/lmb
Enclosure

TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.
AM9-98-093

In Re Application Of: Dryer, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/257,208	02/25/1999	Sax, Steven P.		2174	1871

Invention: METHOD AND SYSTEM FOR REAL-TIME DETERMINATION OF A SUBJECTS INTEREST LEVEL TO MEDIA CONTENT

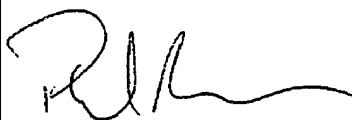
COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on February 22, 2005

The fee for filing this Appeal Brief is: \$500.00

(Previously Paid)

- ☐ A check in the amount of the fee is enclosed.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 09-0441
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

Dated:

8/15/05

Phillip E. Miller, Reg. No. 46,060
McGinn & Gibb, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817
703-761-4100
Customer No. 21254

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:

P30LARGE/REV06